

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 25-045

Record Number: PLN-2024-19051

Assessor's Parcel Numbers: 519-311-027, 520-031-024-000

Resolution by the Planning Commission of the County of Humboldt conditionally approving the Orick Community Services District Community Tank Replacement Coastal Development Permit, Conditional Use Permit, and Special Permit modification and extension.

WHEREAS, Orick Community Services District submitted an application and evidence in support of approving the Coastal Development Permit, Conditional Use Permit, and Special Permit modification and extension; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, Orick Community Services District as the lead agency under CEQA found the project categorically exempt from CEQA per Sections 15301, 15302, 15303, and 15304 of CEQA Guidelines and the County of Humboldt as a responsible agency under CEQA agrees with the finding; and

WHEREAS, Attachment 3 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed project (Record Number: PLN-2024-19051); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on September 4, 2025, and reviewed, considered, and discussed the application for the Coastal Development Permit, Conditional Use Permit, and Special Permit modification, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** A two-year extension to a previously approved Coastal Development Permit (CDP), Conditional Use Permit (CUP), Special Permits (SP) for Orick Community

Services District (PLN-2023-18134). The project proposes to replace an existing leaking 100,000-gallon redwood water tank with a new 100,000-gallon, welded steel tank with a concrete foundation. A PG&E power pole upslope of the tank would be replaced with a taller pole and a 40-foot-tall communications tower would be constructed at the water tank. A Special Permit is required for Design Review. The applicant is also proposing a modification to the approved permits. The proposed modification includes a different alignment of the overhead powerline and installation of one additional PG&E power pole; tree removal is proposed to provide PG&E required fire clearance from the overhead electrical facilities.

EVIDENCE: a) Project File: PLN-2024-19051

- 2. FINDING:** **CEQA:** The County is a Responsible Agency under CEQA and has found that the requirements of the California Environmental Quality Act have been met. As lead agency, the Orick Community Services District found the project exempt from environmental review pursuant to Sections 15301 (Class 1 - Existing Facilities), 15302 (Class 2 - Replacement or Reconstruction), 15303 (Class 3 - New Construction or Conversion of Small Structures), and 15304 (Class 4 - Minor Alterations to Land) of the State CEQA Guidelines.

EVIDENCE: a) Class 1 authorizes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Class 2 authorizes replacement or reconstruction of existing utility systems and/or facilities where the new structure will be located on the same site as the structure being replaced and will have substantially the same purpose and capacity as the structure replaced. Class 3 authorizes construction of limited numbers of new, small facilities or structures and installation of small new equipment and facilities in small structures. Class 4 authorizes minor alterations to the condition of the land (e.g., clearing, grading,

trenching, and backfilling) that do not involve the removal of any healthy, mature, scenic trees.

The project is consistent with the categorical exemptions noted above because work would not expand the District's water service capacity; the new tank would be constructed on the same site as the tank being replaced; minor earth disturbance would be required to accommodate the proposed improvements; the ground surface would be restored following construction; and new construction would be limited to small structures. It should be noted that the California Department of Public Health recognizes water tanks up to 100,000 gallons in size as small structures.

3. FINDING:

The subject parcel is within the Rural Residential (RR) land use designation. The project, as conditioned, is consistent with the development policies of the North Coast Area Plan.

EVIDENCE:

- a) The project is to replace an existing community water storage tank and associated ancillary development. The proposed modification to add a power pole and shift electrical lines is consistent with and supports the use within the land use designation.
- b) The original project was referred to the Northwest Information Center (NWIC) and the Yurok Tribe. New project activities include a new PG&E power pole and vegetation removal to accommodate utilities. These activities do not include substantial new ground disturbing activities. NWIC responded stating the following: *although the general vicinity has sensitivity for archaeological resources, the proposed project area has a low possibility of containing unrecorded archaeological site(s). Therefore, no further study for archaeological resources is recommended. If archaeological resources are encountered during construction, work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate*

recommendations. The Yurok Tribe did not respond. The standard inadvertent discovery protocol is included as a condition of project approval.

- c) The property is located within the Elk Coastal Habitat combining zone, which requires supplemental findings and consultation with CDFW. Tree removal is proposed as part of the project modification, and per the CNDDDB the project site is within a mapped occurrence of Oregon coast paintbrush. The occurrence accuracy is 3/5 mile (the recorded occurrence is within a mapped circle 3/5 of a mile in radius, exact location unknown), and it is noted field work is needed. The CNDDDB notes the occurrence was found approximately 2 miles southwest of Orick, at the north end of freshwater lagoon on a slope above the beach. The parcel is approximately 1,800 feet from the nearest beach and 3,200 feet from the lagoon at the closest points. The project was referred to CDFW, who indicated they had no major concerns provided tree removal occurred outside the nesting bird season, or nesting bird surveys were conducted if tree removal occurred during the nesting bird season. CDFW recommendations have been included in the recommended conditions of approval.
- d) The project is not in a Coastal Scenic Area, Coastal View Area, or Redwood Creek estuary view area.

4. FINDING:

The subject parcel is zoned Rural Residential Agriculture, 5-acre minimum lot size, with combining zones for Manufactured Homes, Coastal Elk Habitat, Design Review, and specified minimum and average lot size (RA-5-Y2.5-M/E,D). The proposed development is consistent with the purposes of the RA-5-Y2.5-M/E,D zone.

EVIDENCE:

- a) The proposed water tank replacement and associated ancillary development is a permitted use in the RA-5-Y2.5-M/E,D zone with approval of a Use Permit. The modification supports this permitted use.

- b) The proposed PG&E power poles and 40-foot-tall communications tower will exceed the maximum 35-foot height requirement of the zone. However, the 40-foot tower at the tank site would be a narrow, lattice structure only ten feet taller than the tank and would be lower in height than surrounding trees. The power pole at the tank would be 50 feet in height, and the new proposed power pole will be 45 feet in height, and both would not be readily visible given its neutral color and forested backdrop. An exception to the height standard may be granted with the Special Permit that is requested per Section 313-99.1.1.1 of Humboldt County Code.
- c) The proposed water tank replacement and associated ancillary development within the existing tank footprint will be compatible with the continuance of elk habitat areas.
- d) Proposed improvements would be set back approximately 670 feet south of U.S. Highway 101. The proposed 30-foot water tank would be green to blend into the surrounding forest and would be significantly lower in height than surrounding trees. The 40-foot tower at the tank site would be a narrow, lattice structure only ten feet taller than the tank and would be lower in height than surrounding trees. The power pole at the tank would be 50 feet in height, and the new proposed power pole will be 45 feet in height, and both would not be readily visible given its neutral color and forested backdrop. These improvements would not block views of the coast or coastal waterways and would not be readily visible from public trails, beaches, or recreation areas.
- e) The project would not require the relocation of sewer lines, storm drains, natural gas, or other similar infrastructure. The proposed project includes the construction of a new replacement water tank and a communications tower. As discussed above, the tank would be green to blend into the surrounding forest. The 40-foot tower at the tank site would be a narrow, lattice structure only ten feet taller than the tank and would be lower in height than surrounding trees. The power pole at the tank would be 50 feet in height, and the new

proposed power pole will be 45 feet in height, and both would not be readily visible given its neutral color and forested backdrop.

5. FINDING: The proposed project is consistent with the North Coast Area Plan.

- EVIDENCE:**
- a) The approved project involves the replacement of the existing 100,000-gallon redwood water tank with a new 100,000-gallon welded steel tank with a concrete foundation and installation of a power pole and relocation of transmission lines. The modification will add a new pole and shift the location of the power lines. The North Coast Area Plan identifies the RR land use designation as land that is appropriate for residential use of rural lands not permanently designated for resource protection and not suitable for rural community neighborhood development. The proposed project supports the use within the land use designation.
 - b) In accordance with the North Coast Area Plan, the proposed project will not contribute to the extension of services outside the serviceable area, or to expansion of system capacity above the capacity needed to provide services in the serviceable area.
 - c) All applicable policies of the North Coast Area Plan remain in full force.
 - d) The applicant will be responsible for obtaining all necessary Federal, State and Local permits, including Building Permits from the County of Humboldt Building Division to facilitate demolition and construction.
 - e) Orick Community Services District, acting as lead agency found the project exempt from CEQA pursuant to Sections 15301, 15302, 15303, and 15304 of the CEQA guidelines.

6. FINDING: The Project and the conditions under which it may be operated

or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: a) An objective of the project is to replace an existing 100,000-gallon redwood water tank that is leaking with a new 100,000-gallon welded steel tank with a concrete foundation, which is in the interest of public health, safety, and welfare. The proposed modification supports this use and complies with all development standards of the zone district which are intended to protect public health safety and welfare.

There is no evidence the work would be detrimental to the public health, safety, or welfare.

7. FINDING: Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.

EVIDENCE: a) The subject parcel is a legally created parcel described in the deed to Orick Community Services District, recorded in Official Records Volume 1853, Page 468. Conveyances to government agencies are exempt from the Subdivision Map Act requirements.

8. FINDING: The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE: a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element.

9. FINDING: Other than the modification being approved concurrently, the development has not changed from that which the permit was originally granted for.

EVIDENCE: a) The modification is to add one power pole and shift the location of the power lines.

10. FINDING: None of the applicable standards have changed other than the requirements of PG&E for which the modification is being granted.

EVIDENCE: a) See findings 2 through 8 and Attachment 4 (Referral Agency Comments).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Coastal Development Permit, Conditional Use Permit, and Special Permits extension and modification for Orick Community Services District subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence **September 4, 2025**.

The motion was made by COMMISSIONER THOMAS MULDER and seconded by COMMISSIONER JEROME QIRIAZI and the following vote:

AYES: Commissioners: Thomas Mulder, Jerome Qiriazzi, Iver Skavdal, Peggy O'Neill

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners: Noah Levy, Sarah West, Lorna McFarlane

DECISION: Motion carried 4/0

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.



John H. Ford, Director

Planning and Building Department

CONDITIONS OF APPROVAL

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT, GENERAL PLAN CONFORMANCE REVIEW, AND SPECIAL PERMITS IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

A. General Conditions

1. The project shall be conducted in accordance with the Site Plans and Construction Plans. Minor deviations shall be permitted as provided by Humboldt County Code Section 312-11; however, all other changes shall require modification of this permit.
2. The applicant will be responsible for obtaining all necessary Federal, State and Local permits, including Building Permits from the County of Humboldt Building Division to facilitate demolition and construction.
3. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. Vegetation removal shall occur outside the nesting bird season (March 15 - August 15 for most species) to avoid impacts to resident and migratory birds. If project activities are proposed during the nesting bird season a qualified biologist shall survey for active bird nests no more than seven days prior to tree removal or significant trimming. If an active nest is found, the permittee should consult with CDFW regarding appropriate site-specific avoidance measures and buffer distances. If there is a lapse in project-related activities of seven days or more, the biologist should re-survey the area before work resumes.

B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

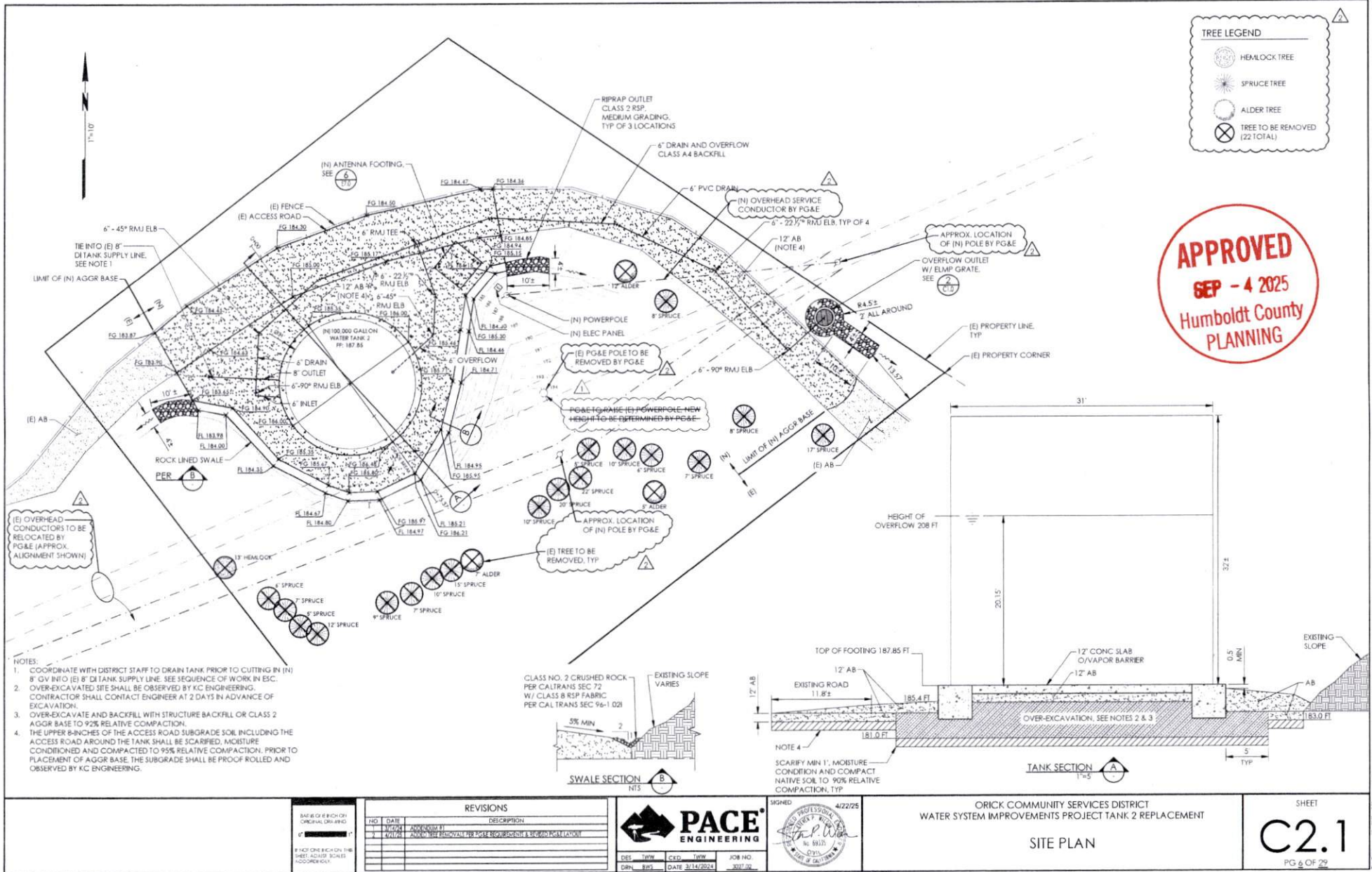
1. Before any digging or excavation occurs, the applicant shall contact Underground Service Alert (USA) by dialing 811 a minimum of two working days prior to commencing any work to ensure that all existing underground utilities are identified and marked on-site.

Informational Notes:

1. The applicant is advised that the referral response from PG&E in Attachment 4 may be applicable to their project.
2. This permit shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see "Effective Date") except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must commence may be extended as provided by Section 312-11.3 of the Humboldt County Code.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.



BASE IS ORIGIN ON ORIGINAL DRAINAGE IF NOT ONE EACH ON THIS SHEET, ACCESS SHALL BE COORDINATED	REVISIONS <table><thead><tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr></thead><tbody><tr><td>1</td><td>4/22/25</td><td>PROJECT START</td></tr><tr><td>2</td><td>4/22/25</td><td>PROJECT START</td></tr></tbody></table>	NO.	DATE	DESCRIPTION	1	4/22/25	PROJECT START	2	4/22/25	PROJECT START	 PACE ENGINEERING DES: JWH CED: JWH JOB NO: DRN: BWS DATE: 3/14/2024 3027.00	SIGNED 4/22/25 	ORICK COMMUNITY SERVICES DISTRICT WATER SYSTEM IMPROVEMENTS PROJECT TANK 2 REPLACEMENT SITE PLAN	SHEET C2.1 PG 6 OF 29
	NO.	DATE	DESCRIPTION											
1	4/22/25	PROJECT START												
2	4/22/25	PROJECT START												